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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/066,251

01/31/2002

Richard L. Hammons

112-0020US

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WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
P.C.

20333 SH 249

SUITE 600

HOUSTON, TX 77070

EXAMINER

NALVEN, ANDREW L

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/066,251	Applicant(s) HAMMONS ET AL.	
	Examiner Andrew L. Nalven	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/4/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29, 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-29 and 54 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 provides the limitation "world-wide-name." This term is indefinite because it is a relative term and it is unclear to the Examiner how one would ascertain that a particular "unique number" is known world-wide.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 are rejected under 35 U.S.C. 102(e) as being anticipated by Battou US PGPub 2002/0174207.
5. With regards to claim 1, Battou teaches a plurality of switching devices (Battou, Figure 2 Item 210) and a set of management functions comprising recognition, operation, and succession of the network configuration entity (Battou, page 1 paragraph 0008).
6. With regards to claim 2, Battou teaches an NCE list storing an indication of each device in the network that may operate as said network configuration entity (Battou, page 18 paragraphs 0271, 0268, 0269).
7. With regards to claim 3, Battou teaches the set of management functions including rules for interaction between and among devices in the network (Battou, page 20 paragraphs 0304 through 0307).
8. With regards to claim 4, Battou teaches management functions including device connection controls indicating port relationships in said secure network (Battou, page 20 paragraph 0307).
9. With regards to claims 5-6, Battou teaches a DCC list associated with one or more rules for interaction between and among devices and comprising definitions that logically bind a port on the network configuration entity to one or more ports resident in the secure network (Battou, page 20 paragraphs 0307 through 0308).
10. With regards to claims 7-8, 11-12 (as best understood), Battou teaches the ports identified by the unique number that is a world wide name (Battou, page 20 paragraphs 0307, 0306, 0312, IP).

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11. With regards to claim 9, Battou teaches restricting management services to a defined set of endpoints (Battou, page 20 paragraph 0312, communicates with agents at OTSs).

12. With regards to claims 13-14, Battou teaches the network endpoints comprising uniquely identified device ports (Battou, page 20 paragraph 0312).

13. With regards to claim 15, Battou teaches the management functions including switch connection controls for designating devices to participate in the secure network (Battou, page 20 paragraphs 0302 and 0306-0307).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Battou US PGPub 2002/0174207 in view of Zara et al US PGPub 2004/0015957.

15. With regards to claim 10, Battou fails to teach a MAC list for storing an indication of network endpoints from which management access is acceptable. Zara teaches a MAC list for storing an indication of network endpoints from which management access is acceptable (Zara, page 2 paragraph 0020). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Zara's MAC list with Battou's network management system because it offers the advantage of providing

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a method of determining that an intruder has gained access to the network (Zara, page 2 paragraph 0020).

16. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Battou US PGPub 2002/0174207 in view of Holloway et al US Patent No. 5,805,801.

17. With regards to claim 16, Battou teaches everything described above, but fails to teach an SCC list associated with said switch connection controls comprising a list of devices authorized to participate in said secure network. Holloway teaches an SCC list associated with said switch connection controls comprising a list of devices authorized to participate in said secure network (Holloway, column 7 lines 7-35). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Holloway's SCC list with Battou's network management system because it offers the advantage of providing a mechanism of warning an administrator that a breach of the network is being attempted and allow the system to identify a fraudulent device on the network (Holloway, column 1 lines 35-51).

18. Claims 17-29 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battou US PGPub 2002/0174207 in view of Holloway et al US Patent No. 5,805,801 and Zara et al US PGPub 2004/0015957.

19. With regards to claims 17-24, 29, and 54, Battou teaches an NCE list storing an indication of each device in the network that may operate as said network configuration entity (Battou, page 18 paragraphs 0271, 0268, 0269) and a DCC list associated with

one or more rules for interaction between and among devices and comprising definitions that logically bind a port on the network configuration entity to one or more ports resident in the secure network (Battou, page 20 paragraphs 0307 through 0308). Battou fails to teach a SCC list or a MAC list. Holloway teaches an SCC list associated with said switch connection controls comprising a list of devices authorized to participate in said secure network (Holloway, column 7 lines 7-35). Zara teaches a MAC list for storing an indication of network endpoints from which management access is acceptable (Zara, page 2 paragraph 0020). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Holloway's SCC list and Zara's MAC list with Battou's network management system because it offers the advantage of providing a mechanism of warning an administrator that a breach of the network is being attempted and allow the system to identify a fraudulent device on the network (Holloway, column 1 lines 35-51, Zara, page 2 paragraph 0020).

20. With regards to claim 26, Battou as modified teaches a plurality of switching devices (Battou, Figure 2 Item 210) and a set of management functions comprising recognition, operation, and succession of the network configuration entity (Battou, page 1 paragraph 0008).

21. With regards to claim 27, Battou as modified teaches the network configuration entity having exclusive control over one or more management functions (Battou, page 20 paragraph 0302).

22. With regards to claim 28, Battou as modified teaches one or more back-up network configuration entities (Battou, page 1 paragraph 0008).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Nalven whose telephone number is 571 272 3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 571 272 3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven



GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100